



"The City With a Heart"

Kevin Chase, *Chair*
Perry Petersen, *Vice Chair*
Rick Biasotti
Mary Lou Johnson
Joe Sammut
Sujendra Mishra
Bob Marshall, Jr,

MINUTES PLANNING COMMISSION MEETING

May 4, 2010 at 7:00 p.m.

Meeting location: Senior Center, 1555 Crystal Springs Road, San Bruno

CALL TO ORDER at 7:03 pm.

ROLL CALL

	<u>Present</u>	<u>Absent</u>
Chair Chase	X	
Vice Chair Petersen	X	
Commissioner Biasotti	X	
Commissioner Marshall	X	
Commissioner Mishra		X
Commissioner Sammut		X
Commissioner Johnson	X	

STAFF PRESENT:

Planning Division: Community Development Director: Aaron Aknin
Acting Planning Manager: Lisa Costa Sanders
Assistant Planner: Matt Neuebaumer
Recording Secretary: Shauna Williams

Pledge of Allegiance: Commissioner Biasotti

1. Approval of Minutes – March 2, 2010

Motion to Approve Minutes of March 2, 2010 Planning Commission meeting.

Johnson/ Biasotti

VOTE: 5-0
AYES: All Commissioners Present at that time.
NOES: None
ABSTAIN: None

Approval of Minutes – March 16, 2010

Motion to Approve Minutes of March 16, 2010 Planning Commission meeting.

Biasotti/ Petersen

VOTE: 5-0
AYES: All Commissioners Present at that time.
NOES: None
ABSTAIN: None

2. Communication

E-Packets are available on line at www.sanbruno.ca.gov

3. Public Comment – None.

4. Announcement of Conflict of Interest –

Commissioner Biasotti will recuse himself for agenda item #5B.

5. Public Hearings

A. 2501 Trenton Avenue

Request for a Use Permit to allow an addition which increases the gross floor area by greater than 50% (73.6%) and would exceed 55% floor area ratio (59.9%) per Sections 12.200.030(B)(1) and 12.200.030(B)(2) of the San Bruno Municipal Code. Luis Robles (Applicant) Patricia Graham (Owner), UP-10-003.

Acting Planning Manager Costa Sanders: Entered staff report.

Staff recommends that the Planning Commission approve Use Permit 10-003 based on Findings of Fact 1-6 and subject to Conditions of Approval 1-24.

Chair Chase asked Commission if there were any questions for staff.

None.

Public Comment Opened.

Luis Robles; Applicant: The City planted a street tree three years ago and I would like to ask if condition #15 could be waived. I am available for any questions.

Vice Chair Petersen: Can staff please address the applicant's question?

CD Director Akin: I will need to speak with the Public Works Director to see if that condition can be waived.

Public Comment Closed.

Commissioner Biasotti: I would like to compliment the applicant for providing Exhibit D. Was the sustainable checklist provided by the City or the applicant?

CD Director Akin: The applicant submitted the checklist.

Motion on the floor to approve Use Permit 10-003 based on Findings of Fact (1-6) and Conditions of Approval (1-24).

Commissioner Petersen/ Marshall

Vice Chair Petersen: I was on the Architectural Review Committee for this project, and I feel that the applicant did a great job addressing all of the issues brought up by staff and the neighbors.

Commissioner Johnson: The staff report states the applicant is willing to reduce the square footage, is that reflected in the proposed plans?

CD Director Akin: Yes.

Motion to approve Use Permit 10-003 based on Findings of Fact (1-6) and Conditions of Approval (1-24).

Commissioner Petersen/ Marshall

VOTE: 5-0
AYES: All Commissioners Present.
NOES: None.
ABSTAIN: None

Chair Chase advised of a 10-day appeal period

FINDINGS OF FACT

1. The proposed development will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use.
2. The proposed development will not be injurious or detrimental to property and improvement in the neighborhood or to the general welfare of the city given its quality architectural features and its general conformance to a majority of regulations as set forth in the Municipal Code.
3. The proposed development will be consistent with the general plan.
4. The proposed development, as set forth on the plans, and with recommendations by staff, will not unreasonably restrict or interfere with light and air on the property and on other property in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof; and is consistent with the design and scale of the neighborhood.
5. That the general appearance of the proposed building, structure, or grounds will be in keeping with the character of the neighborhood, will not be detrimental to the orderly and harmonious development of the city, and will not impair the desirability of investment or occupation in the neighborhood.
6. The proposed expansion complies with applicable off-street parking standards of the City of San Bruno Zoning Ordinance.

CONDITIONS OF APPROVAL

Community Development Department - (650) 616-7042

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Community Development Department within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 10-003 shall not be valid for any purpose. Use Permit 10-003 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.

2. The signed copy of the Summary of Hearing shall be photocopied and included on a full size page in the Building Division set of drawings.
3. The request for a Use Permit for an addition shall be built according to plans approved by the Planning Commission on May 4, 2010 labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. The residence shall be used only as a single-family residential dwelling unit. No portion of the residence shall be rented out as a secondary residential dwelling unit. Any attempt to construct an illegal dwelling unit will result in Code Enforcement action by the City.
7. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code or as storage. The residence must have the ability to park two vehicles in the designated garage area. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.
8. Prior to securing a building permit, the applicant, owner, and general contractor shall meet with Planning and Building staff to ensure compliance with the conditions of approval during the construction process.
9. Prior to Final Inspection, 15% of the site shall be landscaped to the satisfaction of the Community Development Director. Applicant shall submit a landscaping plan at the time of Building Permit Submittal. No more than 80% of the lot shall consist of impervious surface.

Department of Public Works - (650) 616-7065

10. The applicant's site plan shall show all of the existing Easements (PUE) located within the property.
11. Please note that the front property line is located 4.5 feet behind the sidewalk at Trenton Drive. No fences, retaining walls, or other permanent structure shall be placed or constructed within 4.5 feet from back of sidewalk. S.B.M.C. 8.08.010.
12. The Applicant shall provide flow line diagrams for cold water lines, hot water lines, gas lines, and sanitary sewer lines to include all existing and proposed systems in accordance with the applicable California Building Code 2007.
13. Encroachment Permit from Public Works Department is required prior to commencing any work within the City's public right-of-way. S.B.M.C. 8.16.010.
14. All damaged curb, gutter, sidewalk or driveway in the public right-of-way fronting the property shall be removed and replaced. Remove and replace all damaged and/or broken sidewalk at front of

property for all location where there are any raised or offset concrete sections greater than or equal to 3/4 -inch. S.B.M.C. 8.12.010.

15. Planting of one 36-inch box size approved tree or payment to the in-lieu replacement tree fund per most current fee schedule is required. Tree shall be located on Trenton Drive. S.B.M.C. 8.24.060. At the current rate, the impact payment required is \$540. A separate tree-planting permit is required from Parks and Recreation Services for any new street tree.
16. If not present, the applicant shall install a sanitary sewer lateral clean-out at property line per City standards detail SS-01
17. Paint address number on face of curb near driveway approach. Black lettering on white background.
18. Erosion control plan and storm water pollution prevention plan required. Must show existing storm drain inlets and other storm water collection locations protect by silt screens or silt fence. Work shall conform to the current NPDES requirements. S.B. Municipal Code 12.16.020.
19. Storm water from new and existing roof down spouts and other on-site drainage, shall be collected and drained to an underground storm water system or through an under sidewalk curb drain to the gutter per City standards detail SI-03. Chapter 11, UPC 1101.1.
20. The building permit plans shall include a site plan that shows all property lines, setbacks and easements, and all existing and proposed grading and drainage improvements. All unpaved areas shall be graded to slope at 1% or more. All paved areas shall be graded to slope at 0.5% or more. All grading and drainage work shall conform to the current NPDES requirements. S.B.MC. 12.161.020
21. Perform water demand calculation based requirements in Chapter 7 of the California Plumbing Code to confirm that the existing water service and meter are sufficient to serve water demand. If existing meter is undersized, a new meter is required. Applicant shall pay water and sewer capacity charges based on the size of the water meter installed along with materials and installation of water meter. S.B.M.C. 10.14.020/110.

Fire Department- (650) 616-7096

22. Address numbers to be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.
23. Provide hard-wired smoke detectors with battery backup as required by building code.
24. Provide spark arrester for chimney if not currently in place.

Commissioner Biasotti recused himself.

B. 2801 San Bruno Avenue

Request for a Use Permit to allow on-site consumption of alcoholic beverages (wine tasting room) per section 12.84.210 of the San Bruno Zoning Ordinance. Lunardi's Super Market, Inc. (Applicant and Owner). UP10-009

Assistant Planner Neuebaumer: Entered staff report.

Staff recommends that the Planning Commission approve Use Permit 10-009 based on Findings of Fact (1-5) and Conditions of Approval (1-11).

Chair Chase asked Commission if there were any questions for staff.

Public Comment Opened.

Rick Cole; Lunardi's Applicant: I am available for any questions.

Commissioner Johnson: Can you describe how the tasting room would operate?

Rick Cole; Applicant: The tasting room is a 10' x 10' room located at the rear of the store. The customers must remain in the tasting room with any open containers.

Commissioner Johnson: Is it a tasting room or a lounge to have a full drink?

Rick Cole; Applicant: It is a tasting room. The customer can come into the room and taste the available wine, and then continue shopping. They would not be allowed to roam the store with a glass in their hand.

Commissioner Johnson: Who will be monitoring the room?

Rick Cole; Applicant: The Lunardi's staff; manager or assistant manager.

Commissioner Johnson: What if a customer had children with them and wanted to enter the tasting room?

Rick Cole; Applicant: The children would not be able to enter. The customers must be 21 years of age to enter. We will have signs posted.

Commissioner Johnson: What are the hours of operation for the wine tasting room?

Rick Cole; Applicant: We have set a specific time. We will have a schedule posted that displays the daily times, and it will most likely be held in the afternoon.

Commissioner Johnson: Would you be opposed if we set a condition that restricts the hours of operation strictly after lunchtime?

Rick Cole; Applicant: That would not be a problem.

Vice Chair Petersen: Do you monitor the amount of consumption that an individual would consume?

Rick Cole; Applicant: We would allow one customer, one taste of wine.

Vice Chair Petersen: Would one individual consume more than 6 ounces?

Rick Cole; Applicant: No. The glass is only filled about 1" for tasting, not a full glass of wine.

Public Comment Closed.

Commissioner Johnson: I would like to propose that we discuss the hours of operation. Are there any similar projects in the past that we put time restrictions on?

CD Director Akin: We had an application from Beverages and More, however, we did not place a time restriction on them.

Commissioner Marshall: I don't feel its necessary to give a time restriction.

Motion to approve Use Permit 10-009 based on Findings of Fact (1-5) and Conditions of Approval (1-11).

Commissioner Petersen/ Marshall

VOTE: 4-0

AYES: All Commissioners present.

NOES: None

ABSTAIN: Commissioner Biasotti

Chair Chase advised of a 10-day appeal period

FINDINGS OF FACT

1. The activity or use does not jeopardize, endanger or result in adverse effects to the health, peace or safety of persons residing or working in the surrounding area.
2. The activity or use does not result in repeated nuisance activities or police interventions within the premises or in close proximity of the premises, including but not limited to criminal activities, disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, lewd conduct, or police detentions and arrests.
3. The activity or use does not result in violations to any applicable provision of any other city, state, or federal regulation, ordinance or statute.
4. The upkeep and operating characteristics of the activity or use are compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.
5. The applicant for a liquor license receives a Letter of Public Convenience or Necessity issued by the City of San Bruno for an application which would tend to create a law enforcement problem, or if issuance would result in or add to an "Undue Concentration" of licenses, required due to either of the following conditions:
 - a. The applicant premises are located in a crime reporting district that has a 20% greater number of reported crimes in a geographical area within the boundaries of the city than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the San Bruno Police Department that are identified by the department in the compilation and maintenance of statistical information on reported crimes and arrests.

The applicant premises are located in an area of Undue Concentration, which is defined to exist when an original application or premises-to-premises application is made for a retail on-sale license in a census tract where the ratio of existing on-sale retail licenses to population in the census tract exceeds or will exceed the ratio of retail on-sale licenses to population in San Mateo County.

CONDITIONS OF APPROVAL

Community Development Department – (650) 616-7074

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Community Development Department within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 10-009 and shall not be valid for any purpose. Use Permit 10-009 shall expire one (1) year from the date of Planning Commission approval unless the operation commences prior to the one (1) year date.
2. The request for a Use Permit to operate a wine tasting room shall be operated according to plans and operational statement approved by the Planning Commission on May 4, 2010, labeled Exhibits C and D except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
3. The applicant and any successor in interest, shall agree to operate the market at 2801 San Bruno Avenue in the manner as described in the staff report and in the applicant's support statement. Any

deviation or change in business activities shall require prior authorization by the Community Development Director. Failure to comply with these requirements may result in the City of San Bruno instituting revocation hearings.

4. The applicant shall comply with all Conditions of Approval within Architectural Review Permit 08-003.
5. Any changes in the hours of operation shall require prior authorization from the Community Development Director.
6. The Community Development Director may call this back to the Planning Commission if he/she finds that the business is not complying with the required performance standards or conditions of approval.
7. The applicant shall provide the signed copy of the Summary of Hearing to the Alcohol, Beverage and Control Board (ABC). The signed summary of hearing will serve as the Letter of Public Convenience of Necessity as required by ABC.
8. The applicant shall comply with all Alcohol and Beverage Control requirements.
9. Applicant shall comply with all aspects of San Bruno Municipal Code 12.84.210.
10. The applicant is responsible for providing emergency contact information to the Police Department for after hour's emergencies.
11. Alcohol consumption shall be limited to the interior of the 10-foot by 10-foot wine tasting room. At no time shall alcohol be consumed outside of the wine tasting room.

Commissioner Biasotti rejoined the meeting.

C. 714 4th Avenue

Request for a Use Permit and Parking Exception to legalize a religious facility within the R-1 Residential Single Family Zoning District per sections 12.96.060.C.1 and 12.100.120, of the San Bruno Municipal Code. Dean Moidin (Applicant & Property Owner) UP-09-010 & PE-09-001.

CD Director Akin: Entered staff report.

Staff recommends that the Planning Commission Continue Use Permit 09-010 and Parking Exception 09-001 to a future Planning Commission public hearing.

Chair Chase asked Commission if there were any questions for staff.

CD Director Akin: Since the applicant is not present, I would urge the Planning Commission not to respond too much to the public comment tonight. It would be appropriate to respond to public comment once staff gives a report and the applicant is available for comment.

Public Comment Opened.

Jean Schmitt; Neighbor: I live in the area of the proposed legalization of the religious facility. I am concerned about the traffic issues, congestion and safety of our neighborhood. They currently have numerous amounts of people in and out of the residence, 5-7 days a week at different times of the day. The facility causes a lot of traffic and parking issues, they consistently have taxis, limos, shuttle buses,

and multiple cars parked on Fourth Avenue, and overflowing on the neighboring streets. We ask that the Planning Commission take our concerns into consideration and the current hazardous conditions.

Vice Chair Petersen: Are you saying this religious facility is currently operating?

Jean Schmitt; Neighbor: Yes, for approximately two years now.

Frank Schmitt; Neighbor: Caltrans is starting a project in the area, and have started to set up detours which run through the Avenues. Also, we are on the corner of Third and Pine, which is a 4-way stop that is rarely used correctly and very unsafe.

Public Comment Closed.

Commissioner Johnson: I would like to ask staff to provide as much information as possible and possibly a written statement from the applicant.

Vice Chair Petersen: I feel that the residents in the area have the same rights under the City's regulation as a religious facility. Has the City asked the applicant to relocate or stop religious gatherings at this facility until it is legalized?

CD Director Akin: We will report to you with extensive detail when this item is on a future agenda. We are asking for a continuation to explore all legal options.

Motion to Continue Use Permit 09-0210 to a future Planning Commission meeting.

Commissioner Marshall/ Petersen

VOTE:	5-0
AYES:	All Commissioner Present
NOES:	None
ABSTAIN:	None

Chair Chase advised of a 10-day appeal period.

6. Discussion

- A. City Staff Discussion:** Commissioners Chase, Johnson, and Marshall volunteered for the May 13, 2010 Architectural Review Committee meeting.

CD Director Akin: The Treetops project will be on the agenda for the May 18, 2010 Planning Commission meeting. You will also be getting a presentation on the Grade Separation Project.

Commissioner Marshall: Can you give us an update on the new Bayhill tenant?

CD Director Akin: GAP will be moving their offices to San Francisco, and Walmart.com will be moving into the Bayhill office buildings.

12. Adjournment

Meeting was adjourned at 7:40 pm



Aaron Akin
Secretary to the Planning Commission
City of San Bruno



Kevin Chase, Chair
Planning Commission
City of San Bruno

NEXT MEETING: May 18, 2010